

REMARKS

Reconsideration of the claims, in light of the present amendment, is respectfully requested.

I. Status of the Claims

Claims 10 and 11 have been added.

Claims 1 and 3 have been amended.

No new matter has been added.

Claims 1-9 have been examined.

Claims 1-11 are currently pending.

Claim 3 has been objected to for informal matters, Applicant has amended claim 3 to correct the informalities. Withdrawal of the objection is respectfully requested.

II. Rejections under 35 U.S.C. § 102

Claims 1, 2, and 9 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,673,835 to Kalat. The Examiner contends that Kalat discloses every element of the claims. Applicant respectfully traverses the rejection.

The Examiner contends that Kalat's first ring 22 is the claimed "support element" for an article. Applicant respectfully submits that first ring 22 cannot support an article. Kalat states that "[g]enerally a beverage container 12 is inserted through the first ring 22 and rests on either the second ring 24 or the base defined by portion 36 of the support member 30 and the fourth portion 48 of the arm 40." Kalat, column 3, lines 50-53. Kalat defines a beverage container holder and first

frame of reference for the location of the strap and it does not need to be positively claimed. Further, the strap is positively claimed and its location and purpose are positive elements. Gilbert does not disclose a strap.

Claims 2, 4-6, 8 and 9 depend from claim 1 and are allowable based at least on their dependency to the independent claim. Applicant respectfully request that the present rejection be withdrawn.

III. Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 6, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,262,439 to Dinan et al. ("Dinan"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Dinan and the Examiner's statement of ordinary skill in the art. The Examiner contends that Dinan discloses all the elements of the claimed invention. Applicant respectfully traverses the rejection.

Applicant submits that claim 1 defines hanging a fabric article and Dinan teaches and suggests a shelving system. Applicant submits that the shelves are not made of fabric and thus, Dinan is not applicable art to the present invention.

Claim 1 recites that an article can be rolled around the shaft. Applicant submits that Dinan does not teach or suggest, and further teaches away from the claimed invention. Dinan's shelves 30 prevent an article from being rolled around the shaft. Further, Dinan teaches away from rolling an article around the shaft since the crux of Dinan's invention is a shelving system to display articles on the shelves.

Regarding claim 6, Applicant respectfully disagrees with the Examiner's contention that claim 6 contains a limitation to the article, the article is not positively claimed and thus the elements are not considered limiting to the claimed. The recitation of the article in the claim is to provide a frame of reference for the location of header and it does not need to be positively claimed. Further, the header is positively claimed and its location is a positive element.

Regarding claim 9, Applicant respectfully disagrees with the Examiner's contention that claim 9 contains a limitation to the article, the article is not positively claimed and thus the elements are not considered limiting to the claimed. The recitation of the article in the claim is to provide a frame of reference for the location of the strap and it does not need to be positively claimed. Further, the strap is positively claimed and its location and purpose are positive elements. Dinan does not disclose a strap.

Claims 6-9 depend from claim 1 and are allowable based at least on their dependency to the independent claim. Applicant respectfully requests that the present rejection be withdrawn.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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